IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9261 of 2004

Between:

M/s. Kirana & Fancy Merchants Association,

(Regd.No. 2035/94), Near New Fire Station, Suryapet,
Nalgonda Dist. rep by its President, Vasa Srisailam,

S/o. Ram Narsaiah, aged about 46 yrs. Occ: Business,
Prop. Vasa Rama Narsaiah & Sons, Suryapet, Nalgonda District

..... PETITIONER

AND

1 The Sub-Divisional Police Officer, (D.S.P.),

Suryapet, Nalgonda District.
2 The Circle Inspector of Police, Suryapet Town, Nalgonda Distrist.
3 The Superintendent of Prohibition & Excise, Nalgonda District.
4 The Circle Inspector of Prohibition & Excise,

Prohibition & Excise Station, Suryapet, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the

respondents and their sub-ordinates in interfering with day-to-day business of members of petitioner-association in black jaggery. It is shown that the black jaggery offered to sell by them is purchased under bills and transported to their business premises under way bills as illegal, arbitrary and without jurisdiction further direct the respondents to implement the instructions/directions contained in a circular order dated 12-4-2002 issued in CR.No. 4294/DPE/2001/C5 issued by the Commissioner of prohibition and Excise, A.P. Hyderabad and pass such other order or orders.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

In this writ petition, the petitioner seeks a direction to declare the interference by the respondents herein and their sub-ordinates in the day-to-day business of the petitioner-association in black jaggery as illegal and arbitrary.

The entire case of the petitioner is based upon only an apprehension. A Full Bench of this Court has already considered the provisions of the A.P. Excise Act, 1968, in ***GANESH TRADERS Vs. DISTRICT COLLECTOR, KARIMNAGAR*** and laid down the principles governing there under. However, having regard to the same, I do not find any justification to interfere at this stage, which is virtually pre-mature.

In view of the same, I do not find any merits in the writ petition. Accordingly, the writ petition is dismissed. No costs.

B.PRAKASH RAO, J

30.08.2004

DR

To

1 The Sub-Divisional Police Officer, (D.S.P.),

Suryapet, Nalgonda District.
2 The Circle Inspector of Police, Suryapet Town, Nalgonda Distrist.
3 The Superintendent of Prohibition & Excise, Nalgonda, Nalgonda

District.

4 The Circle Inspector of Prohibition & Excise,

Prohibition & Excise Station, Suryapet, Nalgonda District.

5 Two CCs to Government Pleader for Home, High Court

Buildings, Hyderabad. (OUT)

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